

North Little Rock Planning Commission
Regular Meeting
January 8, 2019

Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 4:00 PM in the Council Chambers, City Hall.

Members Present:

Banks
Belasco
Chambers
Dietz
Foster
Phillips
Wallace
White
Clifton, Chairman

Members Absent:

Foster
Wallace

Staff Present:

Shawn Spencer, Director
Timothy Reavis, Assistant Director
Mike Mosley, Deputy City Attorney

Approval of Minutes:

Motion was made and seconded to approve the December meeting minutes as submitted. The minutes were approved with (6) affirmative votes.

Administrative:

Mr. Clifton announced that item B - McConnell Addition, Lots F-1A & F-1B (Replat of a commercial lot located at 3609 MacArthur Dr.) was withdrawn.

Mr. Spencer said the Fire Marshal regretted that he could not be here for the meeting.

Mr. Spencer announced that Tim Reavis had been promoted to Assistant Planning Director

Subdivision Administrative:

SD2019-1 Central Arkansas I-440 Business Park, lot 8R-1 & 8R-2 (Replat & SPR of an office building located at 1000 Fiber Optic Dr.)

- 1. Engineering requirements before the plat will be signed:**
 - a. Option to pay the drainage in-lieu of fee of \$5000/acre for commercial development instead of providing onsite detention.
 - b. Note: approval of final plat shall not be deemed as acceptance of any street or other dedications shown on the plat for long-term maintenance by the city. Owner shall submit for dedication approval to city council at the end of construction. A 2 year maintenance bond, valued at 50% of the improvements, is required.
- 2. Planning requirements before the plat will be signed:**
 - a. Plat will be submitted to NLR Planning Department in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates.
 - b. Show 80 ft. ROW along Fiber Optic Dr.
 - c. Show the 60 ft. access easement on both lots 8R-1 & 8R-2.
 - d. Show the front building line as being at the rear of the 60 ft. access easement.
 - e. Provide 10 ft. utility easements around property perimeter.
- 3. Permit requirements/approvals submitted before a building permit will be issued:**
 - a. A signed and recorded plat must be on file with the Planning Department.
 - b. Pay for street trees or provide a bond.
 - c. Provide a private Engineer's letter stating that the gravel areas were designed to meet the 2012 Fire Code for supporting a fire truck.
 - d. Provide CNLR Stormwater Permit application to City Engineer with half size erosion control plan showing silt fence, storm inlet protection, and drainage details.
 - e. Provide copy of Arkansas Department of Health approval for water and sewer facilities to NLR Planning Department if an extension of a main is required.
 - f. Owner's Architect/Engineer shall submit approved preliminary plat, construction plans and specifications (PDF format) to NLR Planning Department.
- 4. Meet the requirements of the City Engineer, including:**
 - a. Provide a grading plan showing elevations and drainage flows. (Note: A grading permit application will be required if Cutting/Filling is greater than 1000 cubic yards.)
 - b. Provide a durable surface parking and access area meeting City standards between the driveway and proposed building.
 - c. Provide revised site plan with label to show 25' minimum driveway radii.
 - d. Prior to construction, provide CNLR Driveway/Curb Cut Permit application or copy of ARDOT driveway permit if State Highway. Inspection of driveway in City ROW is required before concrete pouring.
 - e. Prior to any excavation/street cuts within street ROW, provide CNLR Excavation Permit to City Engineer and Barricade Plan Permit to NLR Traffic Services.
 - f. At the end of construction, Owner/Developer shall have a Professional Engineer, licensed in the State of Arkansas, certify that all street and stormwater improvements in conjunction with this subdivision and/or the proposed development have been inspected and constructed in accordance with the approved plans and meet all City of North Little Rocks Standard Specifications.
 - g. All driveways are to be concrete within the ROW.
- 5. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.

- b. Label dumpster as having screening.
 - c. Show any proposed fence / gate. Gate to be at least 70 feet back from the edge of Fiber Optic Dr.
 - d. All exterior lighting shall be shielded and not encroach onto neighboring properties.
 - e. Handicap parking space to be paved.
 - f. Parking for "office" is 1 space per 300 square feet. Provide 5 parking spaces.
 - g. Label areas of site plan that are to be gravel / asphalt / concrete.
 - h. Driveway must be concrete to any proposed gate.
- 6. Meet the requirements of the Master Street Plan, including:**
- a. Sidewalks not required due to location in industrial subdivision.
- 7. Meet the requirements of the Screening and Landscaping ordinance, including:**
- a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide automated irrigation to all required trees and shrubs.
 - c. Provide (3) street trees 40' on center.
 - d. Provide (1) parking lot shade tree.
 - e. Parking lot shade trees must be located within the parking lot or a maximum distance of 10' from the edge of the parking lot.
 - f. Provide a continuous screen of shrubs for any parking spots that face a street or abutting property.
 - g. Provide 6 foot front yard landscape strip between property line and paving.
 - h. Provide 4 foot side yard landscape strip between property line and paving.
 - i. Provide buffer between dissimilar uses or zoning. Do not remove trees from full buffers.
- 8. Meet the following requirements concerning signage:**
- a. All signs require a permit and separate review.
 - b. Provide sign location on site plan.
 - c. No pole sign permitted.
 - d. No electronic changeable copy sign permitted.
- 9. Meet the requirements of the Fire Marshal, including:**
- a. Provide an approved fire protection plan.
 - b. Meet the Fire Marshal's requirements regarding access to the building.
 - c. Fire hydrants to be within 400 feet of all areas of building.
 - d. Provide all weather access to three sides of the building.
 - e. All exterior portions of a building must be within 150' of a FD access road.
 - f. Gravel areas shall be able to support 75,000 lbs per the 2012 Fire Code.
- 10. Meet the requirements of CAW, including:**
- 11. Meet the requirements of NLR Wastewater, including:**
- a. Please show proposed sewer service line and connection point for the new building.
 - b. Wilcox Connection Fee is required for connection public sanitary sewer.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes.

Public Hearings:

1. Rezone #2019-1

To amend an existing PUD to allow for an acupuncture business instead of an engineering firm at property located at 214 W. 5th St.

Mr. Chambers stated he was abstaining because he lives across the street from this location.

Mr. Chamber stated that he did not received notice. He asked staff to provide proof that notice was properly done.

The applicant, Chris Kent, was present. He stated that he would like to change the use from an engineering firm to an acupuncture business.

Mr. Clifton clarified that it would also be used for a residence.

Mr. Chambers said he was satisfied notice was properly done.

There were no further comments.

Conditions:

1. Residence will be located on 2nd floor and the acupuncture business use will be located on the first floor.
2. Hours of operation 9am – 7pm; Monday – Saturday.
3. No signage allowed.
4. Parking in rear of property.
5. Exterior facades to blend in with neighborhood as determined by the Planning Commission and be substantially similar to attached drawings, and no less than a five-foot setback on each side.
6. Front setback to match the buildings on abutting properties.
7. Rear windows on 2nd floor will be solid panes (no mullions).
8. Front porch railing will include balusters and not be solid.
9. Limit the number of employees, other than family members, to two.
10. No vinyl or aluminum siding.

Chairman Clifton asked for a roll call vote on the application.

| | | | | | |
|-----------------|----------------|-----------------|---------------|----------------|---------------|
| Banks | Yes | Dietz | Yes | Wallace | absent |
| Belasco | Yes | Foster | absent | White | Yes |
| Chambers | abstain | Phillips | Yes | Clifton | Yes |

Rezone #2019-1 was approved with (6) affirmative votes.

2. Rezone #2019-2

To rezone property at 7101 & 7205 Highway 70 from C-3 to I-3 & to amend the Land Use Plan from Light Industrial to Heavy Industrial to allow for scrap metal recycling.

The applicant, Scott Hillburn, was present. He stated what was being requested.

Mr. Chambers asked what the name of the business next to this property was.

Mr. Hillburn stated it was Metro Scrap Metals.

There were no further comments.

Chairman Clifton asked for a roll call voted on the application.

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|-----------------|------------|-----------------|---------------|----------------|---------------|
| Banks | Yes | Dietz | Yes | Wallace | absent |
| Belasco | Yes | Foster | absent | White | Yes |
| Chambers | Yes | Phillips | Yes | Clifton | Yes |

Rezone #2019-2 was approved with 7 affirmative votes.

3. Conditional Use #2019-1

To allow a car lot in a C-4 zone located at 1803 Hwy 161.

The applicant, Dennis Dokes, was present. He agreed with the conditions.

There were no further comments.

Conditions:

1. Hours of Operation 6AM – 6PM Monday – Saturday
2. Cars to be parked to allow fire apparatus access to the building.
3. Provide 4 additional street trees along Emily St.
4. Fences shall not be allowed in the front yard of a vehicle sales lot, except as mandated under Article 15 hereof.
5. Existing fences located in the front yard of a vehicle sales lot shall be removed, unless required when adjacent to residential use.
6. Existing vegetation along north property line to serve as buffer between residential use and car sales area. Buffer not to be disturbed.
7. Vehicle sales lots shall not utilize barb wire or razor wire. Any existing barb wire or razor wire shall be removed.
8. Maximum of 20 cars allowed for the car sales business. This includes vehicles for sale, customer vehicles, and employee vehicles.
9. All exterior vehicle sales lot lighting, located on a building or free standing, shall be shielded and directed downward. Lighting shall be directed away from abutting residential uses.

10. Sales vehicles shall be displayed on one of the following surfaces: asphalt paving or concrete. Asphalt paving shall meet the standards of the City Engineer. Sales vehicles shall not be displayed on grass or gravel surfaces.
11. All signage shall meet the requirements of Article 14 of the zoning ordinance.
12. No inoperable or wrecked vehicles shall be stored or sold from the sales lot. Vehicle sales lots shall not store inoperable or wrecked vehicles, nor any parts thereof, as those terms are defined under the North Little Rock Property Maintenance and Nuisance Abatement Code.
13. Vehicle sales lot shall be maintained at all times.
14. Sales vehicles shall be locked and secured after business hours.
15. Sales vehicles shall not be used as storage.
16. Vehicle sales lot and any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
17. Business license to be issued after Planning Staff confirmation of requirements.
18. Business license holder understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.

Chairman Clifton asked for a roll call voted on the application.

| | | | | | |
|-----------------|------------|-----------------|---------------|----------------|---------------|
| Banks | Yes | Dietz | Yes | Wallace | absent |
| Belasco | Yes | Foster | absent | White | Yes |
| Chambers | Yes | Phillips | Yes | Clifton | Yes |

Conditional Use #2019-1 was approved with 7 affirmative votes.

4. Special Use #2019-1

To allow an upholstery business in a C-3 zone at property located at 2400 Pike Ave.

The applicant, Robert Martinez, was present. He agreed to the conditions.

Conditions:

1. Hours of operation: Monday – Saturday, 7AM – 7PM.
2. All work to be done inside the building.
3. Any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
4. Business license to be issued after Planning Staff confirmation of requirements.

5. Business license holder understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.

There were no further comments.

Chairman Clifton asked for a roll call voted on the application.

| | | | | | |
|-----------------|------------|-----------------|---------------|----------------|---------------|
| Banks | Yes | Dietz | Yes | Wallace | absent |
| Belasco | Yes | Foster | absent | White | Yes |
| Chambers | Yes | Phillips | Yes | Clifton | Yes |

Special Use #2019-1 was approved with 7 affirmative votes.

Public Comments/Adjournment:

Justin McCown, owner of Mick's BBQ restaurant at 3609 MacArthur Dr. wanted to comment on the item that had been withdrawn by his representation, Mr. Jim Butler. Mr. McCown explained that he had been trying to purchase the land that his business was on. He asked for clarification about why the application would have been denied.

Mr. Chambers stated the irregular shape was giving the Design Review Committee difficulty. He advised Mr. McCown to try and reshape the lot.

Mr. McCown stated that the owner of the larger parent parcel would not allow him to include certain parts the parcel in his lot.

Mr. Chambers explained that his proposed lot would be not be able to be used for any other development due to its irregular shape and its small depth size.

Mr. Spencer stated that the proposed lot would not be buildable due to the setbacks of the zone along the highway – 40 ft in the front, 20 ft in the rear. It would be a useless lot should the existing building be heavily damaged or destroyed.

Mr. White asked how long Mr. McCown had been on the property. Mr. McCown answered 28 years. Mr. White asked for clarification on the recent transaction history of the larger parent property. Mr. McCown said he had the contract on the property, but could not secure the funds and had to sell the contract to someone else.

Mr. White asked for further explanation on lot size requirements. Mr. Spencer explained lot size requirement could be waived but the lot still has to be buildable, which it is not.

Ms. Belasco made a suggestion about reshaping the property. Mr. Spencer explained why that wouldn't solve Mr. McCown's problem.

There was further discussion on creating an illegal lot.

Mr. Chambers asked Mr. Mosely his opinion on creating a substandard lot that could not be built on.

Mr. Mosely stated that the City has regulations for a reason and they should be applied uniformly. It would in contrast in the City's own ordinance to allow the lot.

Mr. Spencer explained that City Council can approve a different type of lot if they want to.

Mr. Chambers suggested Mr. McCown create a PUD. Mr. Spencer said staff would not support that because it would be too close to the road, but City Council could approve it.

Mr. Clifton suggested that Mr. McCown contact his City Council member to ask for support.

The meeting was adjourned at 4:40 PM.

Respectfully Submitted:



Tim Reavis, Planning